

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CORBIS CORPORATION, a Nevada
corporation

Plaintiff,

-against-

COMMVERGE MARKETING LLC, a
Connecticut corporation,

Defendants.

X

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X

Case No. 1:07-CV-113941-PAC

**REQUEST TO CLERK TO ENTER
DEFAULT**

TO: THE CLERK OF THE ABOVE-ENTITLED COURT

Plaintiff Corbis Corporation hereby requests that the Clerk of the above-entitled Court enter default in this matter against defendant on the ground that said defendant has failed to appear or otherwise respond to the complaint within the time prescribed by the Federal Rules of Civil Procedure. Plaintiff served the complaint on defendant commVerge Marketing LLC on December 28, 2007, evidenced by the proof of service of summons on file with this Court. Docket No. 3.

The above stated facts are set forth in the accompanying declaration of Kathryn J. Fritz, filed herewith.

Dated: January 23, 2008

FENWICK & WEST LLP

By: /s/ Kathryn J. Fritz
Kathryn J. Fritz

Kathryn J. Fritz (KF 3995)
Laurence F. Pulgram (CSB NO. 115163)
Brian W. Carver (CSB NO. 244878)
FENWICK & WEST LLP
555 California Street, 12th Floor
San Francisco, CA 94104
Telephone: (415) 875-2300
Facsimile: (415) 281-1350

Attorneys for Plaintiff
CORBIS CORPORATION

23819/00414/LIT/1279202.2

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CORBIS CORPORATION, a Nevada
corporation

Plaintiff,

-against-

COMMVERGE MARKETING LLC, a
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Case No. 1:07-CV-113941-PAC

**DECLARATION OF KATHRYN J.
FRITZ IN SUPPORT OF PLAINTIFF
CORBIS CORPORATION'S REQUEST
TO CLERK TO ENTER DEFAULT**

I, Kathryn J. Fritz, hereby declare:

1. I am a member of the Bar of this Court, a partner at the law firm of Fenwick & West LLP, and one of the attorneys for the Plaintiff, Corbis Corporation ("Corbis"), in the above-captioned action. I am familiar with all the facts and circumstances in this action. Unless otherwise noted, I make this declaration of my own personal knowledge.

2. I make this declaration pursuant to Rule 55.1 of the Civil Rules for the Southern District of New York, in support of Plaintiff's Request to Clerk to Enter Default.

3. Jurisdiction of the subject matter of this action is based on federal question jurisdiction, pursuant to 28 U.S.C. §§ 1331 and 1338, as this action involves claims brought under federal law and the United States Copyright Act, 17 U.S.C. §§ 101, *et seq.*

4. This action was commenced on December 19, 2007, by the filing of the Summons and Complaint. A copy of the Summons and Complaint was served on the Defendant on December 28, 2007, by personal service on Lawrence B. Pellegrino, Defendant's Registered Agent, and proof of service was filed. Docket No. 3. The Defendant commVerge Marketing

LLC (“commVerge”) has not answered the Complaint and the time for the Defendant to answer the Complaint has expired.

5. The Defendant is a corporation, and hence not an infant, in the military, or an incompetent person.

6. Prior to filing this action, my law firm was in contact with the Defendant through Defendant’s counsel at the law firm of Pryor Cashman LLP in New York, by phone, letters and e-mail. My firm also was in contact with State Farm Insurance, who Pryor Cashman indicated was handling Corbis’ claims against commVerge. Those contacts failed to resolve the matter, resulting in the initiation of this action.

7. On January 19, 2008, I was carbon-copied on an email from my colleague, Brian W. Carver, to Ilene Farkas and Nia Castelly, attorneys at Pryor Cashman LLP in New York, who are the last attorneys known to Corbis to have represented commVerge with respect to this dispute. That email asked Ms. Farkas and Ms. Castelly whether their firm represented commVerge for the purpose of responding to the Complaint filed in this action, a copy of which was attached to the email. Having no response, on Tuesday, January 22, 2008, Mr. Carver sent a further letter, a true and correct copy of which is attached hereto as **Exhibit A**, by facsimile to Pryor Cashman, advising that default would be taken if no responsive pleading was filed. Ms. Castelly replied by electronic mail, a true and correct copy of which is attached hereto as **Exhibit B**, stating that her firm no longer represents commVerge and has not for some months now.

8. On January 22, 2008, Mr. Carver also sent a letter to State Farm Insurance by overnight and electronic mail, a true and correct copy of which is attached hereto as **Exhibit C**, also advising that default would be taken if no responsive pleading was filed. The overnight

shipper's automated delivery confirmation system indicates the letter was signed for and delivered at 9:28 A.M. on January 23, 2008. *See* Exhibit C at 10.

9. Counsel for Corbis has received no other responsive communications from commVerge or its representatives.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and was executed at San Francisco, California on January 23, 2008.

Dated: January 23, 2008

FENWICK & WEST LLP

By: /s/ Kathryn J. Fritz
Kathryn J. Fritz

Kathryn J. Fritz (KF 3995)
Laurence F. Pulgram (CSB NO. 115163)
Brian W. Carver (CSB NO. 244878)
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555 California Street, 12th Floor
San Francisco, CA 94104
Telephone: (415) 875-2300
Facsimile: (415) 281-1350

Attorneys for Plaintiff
CORBIS CORPORATION

EXHIBIT A

FENWICK & WEST LLP

555 CALIFORNIA STREET, 12TH FLOOR SAN FRANCISCO, CA 94104

TEL 415.875.2300 FAX 415.281.1350 WWW.FENWICK.COM

January 22, 2008

BRIAN W. CARVER

EMAIL BCARVER@FENWICK.COM
DIRECT DIAL (415) 875-2420

BY FACSIMILE (212-326-0806)

Ilene Farkas
Nia Castelly
Pryor Cashman LLP
410 Park Avenue
New York, NY 10022
Tel: 212-421-4100
Fax: 212-326-0806

Re: Corbis v. commVerge Marketing LLC

Dear Ms. Farkas and Ms. Castelly:

On January 19, 2008, I sent each of you the enclosed email inquiring whether your firm represented commVerge Marketing for the purpose of responding to a complaint filed by Corbis Corporation in the United States District Court for the Southern District of New York on December 19, 2007, which was served on commVerge Marketing's agent for service of process, Lawrence B. Pellegrino, on December 28, 2007. A response was due January 17, 2008. Having received neither any communication from commVerge or anyone representing commVerge since service of the Complaint, and having had no response from you to my email, I am sending this letter by facsimile to inform you that Corbis will be requesting an entry of default, tomorrow, January 23, 2008, if no responsive pleading is filed.

Sincerely,

FENWICK & WEST LLP



Brian W. Carver

Brian Carver

From: Brian Carver
Sent: Saturday, January 19, 2008 3:49 PM
To: 'ifarkas@pryorcashman.com'; 'ncastelly@pryorcashman.com'
Cc: Laurence Pulgram; Kate Fritz
Subject: Corbis and commVerge Marketing

Attachments: 2007 12 19 Complaint for Copyright Infringement and Violation of the Digital Millennium Copyright Act Black and White.pdf

Ms. Farkas and Ms. Castelly,

Does your firm represent commVerge Marketing for the purpose of responding to the attached complaint? The complaint and summons were served on commVerge's agent for service of process on December 28, 2007 and commVerge's response was due Thursday, January 17th. We have not been contacted by commVerge or anyone representing commVerge and will proceed to request an entry of default unless we hear from commVerge immediately.



2007 12 19
Complaint for Copyr..

Brian W. Carver
415.875.2420

Fenwick & West LLP
12th Floor
555 California Street
San Francisco, CA 94104
Fax: 415.281.1350

EXHIBIT B

Brian Carver

From: Castelly, Nia [NCastelly@PRYORCASHMAN.com]
Sent: Tuesday, January 22, 2008 3:46 PM
To: Brian Carver
Cc: Laurence Pulgram; Kate Fritz; Farkas, Ilene S.
Subject: RE: Corbis and commVerge Marketing

Brian,

We no longer represent commVerge and have not for some months now. As you know, State Farm is handling this claim. Please direct future communications to them.

Regards,

Nia

-----Original Message-----

From: Brian Carver [mailto:bcarver@fenwick.com]
Sent: Saturday, January 19, 2008 6:49 PM
To: Farkas, Ilene S.; Castelly, Nia
Cc: Laurence Pulgram; Kate Fritz
Subject: Corbis and commVerge Marketing

Ms. Farkas and Ms. Castelly,

Does your firm represent commVerge Marketing for the purpose of responding to the attached complaint? The complaint and summons were served on commVerge's agent for service of process on December 28, 2007 and commVerge's response was due Thursday, January 17th. We have not been contacted by commVerge or anyone representing commVerge and will proceed to request an entry of default unless we hear from commVerge immediately.

<<2007 12 19 Complaint for Copyright Infringement and Violation of the Digital Millennium Copyright Act Black and White.pdf>>

Brian W. Carver
415.875.2420

Fenwick & West LLP
12th Floor
555 California Street
San Francisco, CA 94104
Fax: 415.281.1350

IRS Circular 230 Disclosure: To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. federal tax advice in this communication (including attachments) is not intended or written by Fenwick & West LLP to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing, or recommending to another party any transaction or matter addressed herein.

ATTENTION:

The information contained in this message may be legally privileged and confidential. It is intended to be read only by the individual or entity to whom it is addressed or by their designee. If the reader of this message is not the intended recipient, you are on notice that any distribution of this message, in any form, is strictly prohibited.

If you have received this message in error, please immediately notify the sender and/or Fenwick & West LLP by telephone at (650) 988-8500 and delete or destroy any copy of this message.

This message is intended only for the use of the addressee and may contain information that is privileged and confidential by law. If you are not the intended recipient, you are hereby notified that any review, use, dissemination, or copying of this communication is strictly prohibited. If you have received this communication in error, please forward the email back and delete all copies of the message and attachments.

IRS Circular 230 disclosure:

To ensure compliance with requirements imposed by the Internal Revenue Service, we inform you that any U.S. tax advice contained in this communication (including attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or applicable provisions of state and local tax law or (ii) promoting, marketing, or recommending to another party any transaction or matter addressed herein.

EXHIBIT C

Brian Carver

From: Rosalinda Lopez
Sent: Tuesday, January 22, 2008 4:37 PM
To: 'bsoc.fire.customer@statefarm.com'
Cc: Brian Carver; Laurence Pulgram
Subject: Claim No. 07k013440 - Corbis v. commVerge Marketing LLC
Attachments: 2008 01 22 Ltr from B Carver to J Holland Re Claim No. 07k013440.pdf

Please route the attached letter to Jessica Holland at Ext. 7731. Thank you.

Rosie Lopez
Assistant to Laurence Pulgram,
Jennifer Bretan, Brian Carver and Jeffrey Lasker
Fenwick & West LLP
555 California Street, 12th Floor
San Francisco, California 94104
Phone: 415-875-2435
Fax: 415-281-1350
Email: rlopez@fenwick.com

FENWICK & WEST LLP

555 CALIFORNIA STREET, 12TH FLOOR SAN FRANCISCO, CA 94104
TEL 415.875.2300 FAX 415.281.1350 WWW.FENWICK.COM

January 22, 2008

BRIAN W. CARVER

EMAIL BCARVER@FENWICK.COM
DIRECT DIAL (415) 875-2420

BY OVERNIGHT MAIL AND ELECTRONIC MAIL

Jessica Holland
State Farm Insurance
100 Meridian Ctr Ste 200
Rochester, NY 14618-3996
866.225.1230 x7731
bsoc.fire.customer@statefarm.com
Claim #: 07k013440

Re: Corbis v. commVerge Marketing LLC

Dear Ms. Holland:

The enclosed complaint was filed by Corbis Corporation in the United States District Court for the Southern District of New York on December 19, 2007, and was served on commVerge Marketing's agent for service of process, Lawrence B. Pellegrino, on December 28, 2007. A response was due January 17, 2008. Having received neither any communication from commVerge or anyone representing commVerge since service of the Complaint, I am sending this letter to inform you that Corbis will be requesting an entry of default on January 23, 2008, if no responsive pleading is filed. Corbis recently contacted commVerge's last-known attorneys at Pryor Cashman LLP, and Ms. Castelly there indicated that her firm does not represent commVerge and has not represented them for months.

Sincerely,

FENWICK & WEST LLP

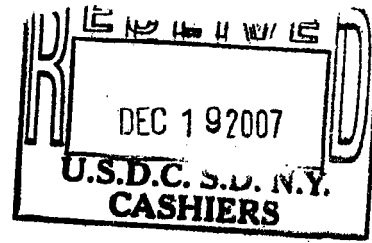


Brian W. Carver

Enclosure

23819/00414/LIT/1279243.1

1 LAURENCE F. PULGRAM (CSB NO. 115163)
lpulgram@fenwick.com
2 KATHRYN J. FRITZ (CSB NO. 148200)
kfritz@fenwick.com
3 BRIAN W. CARVER (CSB NO. 244878)
bcarver@fenwick.com
4 FENWICK & WEST LLP
555 California Street, 12th floor
5 San Francisco, CA 94104
Telephone: (415) 875-2300
6 Facsimile: (415) 281-1350



7 Attorneys for Plaintiff
CORBIS CORPORATION

JUDGE CROTTY

8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF NEW YORK

07 CV 11391

Case No.

12 CORBIS CORPORATION, a Nevada
corporation,

13 Plaintiff,

14 v.

15 COMMVERGE MARKETING LLC, a
Connecticut corporation,

17 Defendant.

**COMPLAINT FOR COPYRIGHT
INFRINGEMENT AND VIOLATION OF
THE DIGITAL MILLENNIUM
COPYRIGHT ACT**

DEMAND FOR JURY TRIAL

18
19 Plaintiff Corbis Corporation ("Corbis"), through its attorneys, alleges as its complaint
20 against Defendant commVerge Marketing LLC ("commVerge") as follows:

21 **INTRODUCTION**

22 1. Corbis is a leading visual-solutions provider, licensing images that enable
23 publishers, advertising and design agencies, filmmakers, and other creative professionals to tell
24 their stories with impact extending beyond words. Recently, at least five images from the Corbis
25 collections were misappropriated, and used in at least seven instances, without license or
26 permission, or exceeding any license or permission—contrary to the rights of Corbis and of the
27 photographers that Corbis represents. Such images were reproduced, displayed, distributed, and
28 otherwise misused—in pursuit of profit—on Defendant's website without payment of

PLAINTIFF CORBIS' COMPLAINT FOR
COPYRIGHT INFRINGEMENT AND
VIOLATION OF THE DMCA

1 compensation to Corbis for their use. Because Defendant commVerge has failed satisfactorily to
 2 respond to Corbis' good-faith demand, attempts to informally resolve this dispute have proven
 3 futile, and Corbis files this action for copyright infringement under 17 U.S.C. § 501, *et seq.*

4 JURISDICTION AND VENUE

5 2. The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C.
 6 §§ 1331 (federal question) and 1338 (copyright), as this action involves claims brought under
 7 federal law and the United States Copyright Act, 17 U.S.C. §§ 101, *et seq.*

8 3. This Court has personal jurisdiction over Defendant under the valid and binding
 9 forum selection clause in Corbis' Site Usage Agreement and the Corbis Content License
 10 Agreement, under which Defendant and/or its agent(s) agreed to accept the exclusive jurisdiction
 11 of this Court as quoted below. Additionally, Defendant displays its interactive webpage
 12 throughout this district through the web address www.cverge.com and, on information and belief
 13 it does business in the State of New York and in this District, and advertises and sells its products
 14 and services in this District.

15 4. Venue is proper in this District pursuant to 28 U.S.C. § 1400(a) under the valid
 16 and binding forum selection clause in Corbis' Site Usage Agreement and the Corbis Content
 17 License Agreement, under which Defendant and/or its agent(s) agreed to accept the exclusive
 18 jurisdiction of this Court as quoted below. Additionally, on information and belief, Defendant is
 19 doing continuous business in this District, Defendant or its agent may be found in this District,
 20 and a substantial part of the events giving rise to the claims described herein, including acts of
 21 infringement, occurred in this District.

22 PARTIES

23 5. Corbis is a Nevada corporation with a principal place of business at 902
 24 Broadway, New York, New York.

25 6. Upon information and belief, commVerge is a Connecticut corporation with a
 26 principal place of business at 167 Cherry St., Suite 406, Milford, Connecticut.

27 BACKGROUND

28 7. Corbis is in the business of licensing photographs and fine art images on behalf of
 PLAINTIFF CORBIS' COMPLAINT FOR
 COPYRIGHT INFRINGEMENT AND
 VIOLATION OF THE DMCA

1 itself and the photographers and other licensors it represents. Corbis offers a preeminent
 2 collection of more than 100 million creative, entertainment and historic images and serves more
 3 than 50 countries worldwide. Generally, the images in Corbis' collections were taken by
 4 professional photographers who earn most or all of their livelihoods from the licensing fees
 5 Corbis is able to obtain for their images. Corbis' collections highlight well-known photographers
 6 and some of the most recognized images in contemporary society, including cutting-edge
 7 contemporary creative imagery, and images from cultural institutions, museums and
 8 photojournalists. Its customers include thousands of leading print, interactive and broadcast
 9 advertising agencies, direct marketing agencies, corporations, small and medium sized
 10 businesses, publishers and media companies.

11 8. The images in Corbis' collection are the subject of copyright protection under the
 12 laws of the United States. Corbis has protected the images in its collection and subject of this
 13 action by systematically registering the copyrights thereto.

14 9. Corbis owns and operates a website located at the Internet address
 15 www.corbis.com ("Corbis Website"). At the Corbis Website, users are able to search hundreds of
 16 thousands of images from Corbis' collection and then pay to license the images for specific uses.

17 10. Access to the Corbis Website is governed by Corbis' Site Usage Agreement
 18 available to all visitors on the Corbis Website. The Site Usage Agreement states in relevant part,
 19 "[a]ny dispute regarding this Agreement shall be governed by the laws of the State of New York
 20 and applicable U.S. Federal law, including Title 17 of the U.S. Code, as amended. The parties
 21 agree to accept the exclusive jurisdiction of the state and federal courts located in New York,
 22 USA."

23 11. Use of Corbis' images is governed by the Corbis Content Licensing Agreement
 24 available to all visitors on the Corbis Website site. Paragraph 21 of the Corbis Content License
 25 Agreement expressly provides that "Any dispute regarding this Agreement shall be governed by
 26 the laws of the State of New York, and by Titles 15, 17 and 35 of the U.S.C., as amended, and the
 27 parties agree to accept the exclusive jurisdiction of the state and federal courts located in New
 28 York, New York, regardless of conflicts of laws."

12. Upon information and belief, commVerge owns, operates, and maintains a website located at www.cverge.com ("commVerge Website"). The commVerge Website, which is interactive and transmitted nationwide via the Internet, advertises, sells, and otherwise offers commVerge' products and services.

13. Upon information and belief, in or around November 2005 and on various other occasions, Defendant or its agents copied and/or uploaded the Corbis images onto the commVerge Website, without authorization, and without paying for the required commercial license fees.

14. Defendant reproduced, displayed and distributed to the public the same Corbis images on the commVerge Website as part of that site's marketing and advertising material in an effort to attract business from those visiting the site.

15. Attached as Exhibit A is a representative, non-exhaustive sample of true and correct copies of presently known Corbis images registered with the Copyright Office ("Corbis Images"), with screen shots taken from the commVerge Website depicting some of Defendant's unauthorized uses of the Corbis Images.

16. In or around May 8, 2007, Corbis provided written notice advising commVerge of its unauthorized use of the Corbis Images.

17. In response to such notice, commVerge failed to produce any evidence of valid licenses for the unauthorized uses on the commVerge Website. Subsequent communications further failed to resolve the matter or demonstrate any authorization for commVerge's use.

18. Attached as Exhibit B is a chart identifying the United States Copyright Office registration certificate numbers and registration dates for the Corbis Images displayed in Exhibit A, evidencing that Corbis owns or controls the registered copyrights to these images that were copied and displayed on the commVerge Website.

FIRST CAUSE OF ACTION
COPYRIGHT INFRINGEMENT
[17 U.S.C. § 501]

19. Corbis repeats and realleges the allegations of paragraphs 1 through 18 as if fully

1 set forth herein.

2 20. Corbis holds valid copyright registrations to the Corbis Images that are the subject
3 of this action and that are evidenced by the copyright registration certificates referenced by
4 Exhibit B.

5 21. Defendant reproduced, distributed, displayed, and created derivative works of
6 those Corbis Images for commercial purposes without Corbis' authorization.

7 22. The actions and conduct of Defendant as described above, directly, contributorily,
8 and/or vicariously infringe the exclusive rights of Corbis granted by Section 106 of the Copyright
9 Act, 17 U.S.C. § 106, to display, reproduce, distribute and create derivative works based on
10 Corbis' registered copyrighted works.

11 23. Such actions and conduct by Defendant constitute copyright infringement under
12 Section 501 of the Copyright Act, 17 U.S.C. § 501.

13 24. As a result of the copyright infringement described above, Corbis is entitled to
14 relief against Defendant including, but not limited to, injunctive relief, actual damages and
15 disgorgement of Defendant's profits, or statutory damages, statutory costs and attorneys' fees,
16 and prejudgment interest.

17 **SECOND CLAIM FOR RELIEF**
18 **REMOVAL OR ALTERATION OF COPYRIGHT MANAGEMENT INFORMATION**
19 **[17 U.S.C. § 1202]**

20 25. Corbis repeats and realleges the allegations of Paragraphs 1 through 24 as if fully
21 set forth herein.

22 26. All of the Corbis Images that are the subject of this lawsuit were displayed on the
23 Corbis Website with corresponding copyright management information ("CMI") indicating
24 Corbis' control of rights in such images.

25 27. Upon information and belief, when Defendant or its agents duplicated and
26 displayed the subject images on the commVerge Website, it intentionally removed the CMI from
27 each of the original Corbis Images used by Defendant.

28 28. Upon information and belief, when Defendant distributed and publicly displayed

1 the Corbis Images and copies thereof on the commVerge Website, it knew that CMI had been
2 removed or altered without authority of Corbis, the entity that controlled the copyrights.

3 29. Upon information and belief, Defendant knew or had reasonable grounds to know
4 that its conduct specified in the prior two paragraphs would induce, enable, facilitate or conceal
5 Defendant's infringement of copyrights, as described above.

6 30. Defendant's conduct therefore constitutes a violation of the Digital Millennium
7 Copyright Act, 17 U.S.C. § 1202(b).

8 31. As a result of the conduct described above, Corbis is entitled to relief against
9 Defendant, including, without limitation, injunctive relief, actual damages or statutory damages in
10 the amount of up to \$25,000 per violation, statutory costs and attorneys' fees, and prejudgment
11 interest.

12 RELIEF REQUESTED

13 WHEREFORE, Corbis prays for relief as follows:

14 1. For orders enjoining Defendant from infringing Corbis' copyrighted images
15 pursuant to Section 502 of the Copyright Act, 17 U.S.C. § 502, and enjoining Defendant from
16 displaying Corbis' copyrighted images pursuant to the DMCA, 17 U.S.C. § 1203(b);

17 2. For an award of Defendant's profits and for damages in such amount as may be
18 found, or for statutory damages of (a) not less than \$750 or more than \$30,000 per image pursuant
19 to 17 U.S.C. § 504(c)(1) or, upon a finding of willful infringement pursuant to 17 U.S.C.
20 § 504(c)(2), up to \$150,000 per image, and (b) not less than \$2,500 or more than \$25,000 per
21 image pursuant to 17 U.S.C. § 1203(c)(3)(B);

22 3. For an award of costs, pursuant to 17 U.S.C., Sections 505 and 1203(b)(4);

23 4. For an award of reasonable attorneys' fees, pursuant to 17 U.S.C., Sections 505
24 and 1203(b)(5);

25 5. For an award of prejudgment interest on the amount of any award to Plaintiff; and
26
27
28

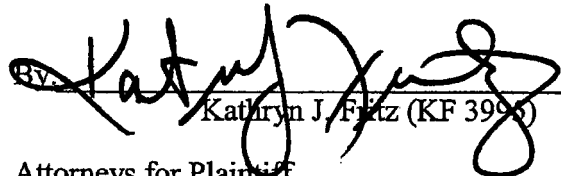
6. For such other and further relief as the Court deems just and equitable.

JURY TRIAL DEMAND

Plaintiff Corbis hereby requests a trial by jury of all issues so triable.

Dated: December 5, 2007

FENWICK & WEST LLP


Kathryn J. Fritz (KF 3996)

Attorneys for Plaintiff
CORBIS CORPORATION

23819/00401/LIT/1277020.3

FENWICK & WEST LLP
ATTORNEYS AT LAW
MOUNTAIN VIEW

Brian Carver

From: TrackingUpdates@fedex.com
Sent: Wednesday, January 23, 2008 6:41 AM
To: Brian Carver
Subject: FedEx Shipment 798857330618 Delivered

This tracking update has been requested by:

Company Name: Fenwick & West LLP
Name: Brian Carver
E-mail: bcarver@fenwick.com

Our records indicate that the following shipment has been delivered:

Reference: 23819.00414-2071
Ship (P/U) date: Jan 22, 2008
Delivery date: Jan 23, 2008 9:28 AM
Sign for by: A.SCRIBBLE
Delivered to: Receptionist/Front Desk
Service type: FedEx Priority Overnight
Packaging type: FedEx Envelope
Number of pieces: 1
Weight: 0.50 lb.
Special handling/Services: Deliver Weekday

Tracking number: 798857330618

Shipper Information	Recipient Information
Brian Carver	Jessica Holland
Fenwick & West LLP	State Farm Insurance
555 California Street, 12th Floor	100 Meridian Ctr;Ste 200
San Francisco	Rochester
CA	NY
US	US
94104	146183996

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This tracking update has been sent to you by FedEx on the behalf of the Requestor noted above. FedEx does not validate the authenticity of the requestor and does not validate, guarantee or warrant the authenticity of the request, the requestor's message, or the accuracy of this tracking update. For tracking results and fedex.com's terms of use, go to fedex.com.

Thank you for your business.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CORBIS CORPORATION, a Nevada
corporation

Plaintiff,

-against-

COMMVERGE MARKETING LLC, a
Connecticut corporation,

Defendants.

X

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:

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:

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X

Case No. 1:07-CV-113941-PAC

CLERK'S CERTIFICATE

I, _____, Clerk of the United States District Court for the Southern District of New York, do hereby certify that this action commenced on December 19, 2007, with the filing of a summons and complaint, a copy of the summons and complaint was served on defendant by personally serving Lawrence B. Pellegrino, defendant's Registered Agent, on December 28, 2007, and proof of such service thereof was filed on January 8, 2008. I further certify that the docket entries indicate that the defendant has not filed an answer or otherwise moved with respect to the complaint herein. The default of the defendant is hereby noted.

Dated: _____, 2008

New York, New York

Clerk of the Court

By: _____
Deputy Clerk

Kathryn J. Fritz (KF 3995)
Laurence F. Pulgram (CSB NO. 115163)
Brian W. Carver (CSB NO. 244878)
FENWICK & WEST LLP
555 California Street, 12th Floor
San Francisco, CA 94104
Telephone: (415) 875-2300
Facsimile: (415) 281-1350

Attorneys for Plaintiff
CORBIS CORPORATION

23819/00414/LIT/1279214.2